

# Notice of Allowability

Application No.

09/856,050

Examiner

Delia M. Ramirez

Applicant(s)

UEMURA ET AL.

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## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 8/4/2005.
2. ☒ The allowed claim(s) is/are 1,6 and 17.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 8/4/2005
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

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## **DETAILED ACTION**

### ***Status of the Application***

Claims 1, 6 and 17 are pending.

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 8/4/2005 has been entered.

### ***Information Disclosure Statement***

1. The information disclosure statement (IDS) submitted on 8/4/2005 is acknowledged. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### ***Reasons for Allowance***

2. The following is an Examiner's statement of reasons for allowance. Although the prior art discloses vectors comprising a nucleotide sequence encoding an IgG( $\kappa$ ) or a trypsin secretory signal peptide, a polyhistidine tag, an enterokinase cleavage site, and a cloning site, the Examiner has found no teaching or suggestion in the prior art directed to a vector comprising these elements in the order recited in the claims, wherein said vector in addition comprises a linker encoding amino acid residues 24-29 or 36-40 of SEQ ID NO: 19. Furthermore, the Examiner has found no teaching or suggestion in the prior art directed to an insect cell transformed with a vector comprising a nucleotide sequence encoding an IgG( $\kappa$ ) or a trypsin secretory signal peptide, a polyhistidine tag, an enterokinase cleavage site, and a

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cloning site, in the order recited. While a mammalian cell transformed with such vector would have been obvious over the prior art (Invitrogen Catalog 1997), an insect cell transformed with such vector would not have been obvious over the prior art cited since one of skill in the art would not have been particularly motivated to transform an insect cell with a vector which comprises a nucleotide sequence encoding an IgG( $\kappa$ ) or trypsin secretory signal peptide. Therefore, claims 1, 6 and 17 directed to (1) a vector comprising a nucleotide sequence encoding (i) an IgG( $\kappa$ ) or a trypsin secretory signal peptide, (ii) a polyhistidine tag, (iii) amino acid residues 36-40 of SEQ ID NO: 19 (enterokinase cleavage site), and (iv) a cloning site, in the order recited, and further comprises a nucleotide sequence encoding a linker comprising amino acid residues 24-29 or 36-40 of SEQ ID NO: 19, and (2) insect cells transformed with a vector comprising a nucleotide sequence encoding (i) an IgG( $\kappa$ ) or a trypsin secretory signal peptide, (ii) a polyhistidine tag, (iii) amino acid residues 36-40 of SEQ ID NO: 19 (enterokinase cleavage site), and (iv) a cloning site, in the order recited, are allowable over the prior art of record.

### ***Conclusion***

3. Claims 1, 6 and 17 are allowed.
4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Delia M. Ramirez whose telephone number is (571) 272-0938. The examiner can normally be reached on Monday-Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Ponnathapura Achutamurthy can be reached on (571) 272-0928. Any inquiry of a general nature or

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relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-1600.

Delia M. Ramirez, Ph.D.  
Patent Examiner  
Art Unit 1652

DR  
October 20, 2005

  
REBECCA E. PROFFITT  
PRIMARY EXAMINER  
GROUP 1800  
1600